

CFR § 1.75(d)(1) requires that terms and phrases used in the claims find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. Specifically, the following terms do not appear in the specification.

A. In claim 1, "local information," product information" and "means for taking action."

For purposes of applying prior art, these terms are interpreted in accordance with the explanations provided by Applicant's representative in the March 15, 1996 telephone interview. "Local information" is interpreted as any information relating to a user's use of a product and is exchanged between the user and the product. "Product information" is interpreted as information which could comprise local information, analyzed or processed local information or other information related to the product. "Means for taking action" is interpreted as a means which does something in response to the product information.

It is clear from the specification (and applicant does not understand the examiner to dispute this) that information is locally exchanged between the user and the product and that the information relates to the user's use of the product; that product information related to the local information is communicated between the product and a remote party other than the user: and that actions are taken with respect to the product or the user interface based on the product information. Thus the claim language challenged by the examiner is clearly supported. Applicant does not understand rule 75 to require that the precise words of the claim appear in the specification, only that it be clear which portions of the specification describe examples of the features referred to in the claims. Applicant understands that the examiner, in examining claim 1 will give the challenged phrases their broadest possible interpretations.

B. In claim 3, "means for controlling the taking of action." For purposes of applying prior art, this term is interpreted in accordance with the explanations provided by Applicant's representative in the March 15, 1996 telephone interview. "Means for

controlling the taking of action" is interpreted as a means which controls the means for taking action based on the results of the analyzer's analysis of the product information.

Applicant's position is the same as for claim 1 above.

C. In claim 4 "new interface elements." For purposes of applying prior art, this term is interpreted in accordance with the explanations provided by Applicant's representative in the March 15, 1996 telephone interview. "New interface elements" in claim 4 is interpreted as additional local information which can be exchanged between the product and the user.

Applicant's position is the same as for claim 1 above.

D. In claim 5, "product module." For purposes of applying prior art, this term is interpreted in accordance with the explanations provided by Applicant's representative in the March 15, 1996 telephone interview. The "product module" in claim 5 is interpreted as the customer based product design module (CB-PD module) disclosed in the specification at page 35.

Applicant's position is the same as for claim 1 above.

E. In claim 23, "user feedback element." For purposes of applying prior art "user feedback element" in claim 23 is interpreted as any means for accumulating information on use of the product by the user.

Applicant's position is the same as for claim 1 above.

2. Claims 1, 14 and 17 are objected to because of the following informalities.

There is a superfluous "for" in line 9 of claim 1; there appears to be a superfluous "keyboard" in claim 14 and the word "for" in line 2 of claim 17 appears to be a typo and should be deleted.

Amendments have been made.

5. Claims 21, 32 and 35 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In claim 21, the function recitation that "the user is enable to ..." is indefinite because it is not supported by recitation in the claim of sufficient structure to accomplish the function.

Claim 21 has been amended.

In claim 32, it is not clear what is meant by "transactions performed by the user." It is not clear if this is intended to be limited to business transactions or transactions in general. *Webster's II New Riverside Dictionary* defines transact as "To do, perform, carry out or conduct." In claim 32 "transactions performed by the user" is interpreted as tasks or operations performed by the user.

Claim 32 has been amended.

In claim 35, "the user interface" is referred to but has not been previously recited. For purposes of applying prior art, it assumed that the "user feedback element" was intended. Also in claim 35, it is not clear what is meant by "enabling the user to set a priority for response to information entered by the user via the user interface." It is not clear what aspect of the response is being prioritized. Is it the time of the response in relation to the time of other responses? Or is it prioritizing the information entered by the user? For purposes applying prior art, it assumed that the priority in claim 35 corresponds to page 91 of the specification, lines 1-3, wherein the user rates the questions they are responding to.

Claim 35 has been amended.

7. Claims 1-36 and 39-42 are rejected under 35 U.S.C. § 103 as being unpatentable over Mantel et al.

A. As to claim 1, Mantel discloses a system for use with a product (a product development system). An associated user interface is disclosed at page 267, col. 2, fourth paragraph, lines 1-3 (i.e. the keyboard and monitor of the computer on which the software product is being run and which is used to respond to the on-line test). Communication of local information concerning use of the product is disclosed at page 268, col. 1, lines 1-4 (i.e. the user's responses to the on-line test).

i. Mantel differs from Applicant's invention in that Mantel does not disclose *bi-directional* communication of local information (i.e. the questions to which the user responds are a set of written questions rather than displayed on the user interface); does not specifically disclose that the product information is communicated between the product and a remote party; and does not specifically disclose a means for taking action, with respect to the product or the user interface, based on the product information.

ii. As to the first difference, it would have been obvious to one skilled in the art to incorporate an electronically displayed set of questions into the data gathering procedure. Electronic displays of survey and other questions are well-known in the art, particularly in situations where the respondent is to respond electronically. For example, the questions to which one responds in using an ATM machine. One would

have been motivated to display the questions electronically to avoid the costs of printing sets of paper questions and to avoid the possibility of not having enough sets of questions for all users.

iii. As to the second and third differences, Mantel does not disclose that a log of the user responses is kept and analyzed. The Mantel article generally concerns designing and redesigning products based on information gathered concerning users' use of the product. It would have been obvious to one skilled in the art to communicate the product information to the manufacturers of the product (a remote party) so that they could redesign the product. It also would have been obvious to include a means for redesigning (means for taking action with respect to the product) so that the product could be redesigned. The primary reason for collecting information in Mantel is to communicate it to a remote party so that action can be taken.

Without conceding any of the examiner's arguments, applicant has amended claim 1 to recite a triggering mechanism arranged to trigger interactive collection of information from a user via the user interface, at times that are based on the local information concerning use of the product". This element is entirely missing from Mantel and would not have been obvious from Mantel. In Mantel, there is no triggering event that leads to interactive collection of information, let alone a triggering event that is based on local information concerning use of the product.

[Certain dependent claim rejections have been redacted here]

T. As to claim 23, Mantel generally discloses a method for aiding design of a product. As noted above, the "user feedback element" is interpreted as any means for accumulating information on use of the product by the user. Mantel discloses a user feedback element at page 267 col. 2 (the user interface discussed in the rejection of claim 1) and at pages 270-271 (the product survey). Recovering information from user feedback elements is disclosed at page 272, col. 2, fourth paragraph and at page 267, col. 2, 2nd and 3rd paragraphs. Creating a first version of the product, analyzing information and redesigning the product are discussed above in paragraphs A(iii) and C.

Mantel differs from Applicant's invention in that Mantel does not disclose that the user feedback element (survey) is included with the product. The user survey in Mantel is mailed to the user after purchase of the product. However, it had been a common practice for some time, at the time of the invention, to include user surveys with products. One skilled in the art would have been motivated to include the surveys with the products in order to ensure that the surveys actually get to the users since surveys mailed after purchase may be lost in the mail or sent to an old address.

Claim 23 has been amended to make clear that the first version of the product includes an interactive user feedback element that permits bi-directional communication between a user of the product and a designer of the product and that interactive two way communication is conducted between the user and the designer including recovering the information from the user feedback element. Mantel neither discloses nor suggests such a scheme. Her user surveys are conventional surveys which cannot reasonably be construed as "an interactive user feedback element that permits bi-directional communication between a user and a designer."

9. Claims 43-46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over "America Online Expands Internet Access: (AOEIA).

A. Claim 43 reads on Internet provider services such as CompuServe and America Online (AOL), described in the AOEIA article, which have been around since at least the late 1980's. These services deliver product information concerning use of the product (the product being Internet access) from remote locations (e.g. from newsgroups or from the service provider) to the users through a user interface. For example, the Internet Center by AOL, discussed in the AOEIA article, provides such information. The user interface could be interpreted either as the keyboard and monitor of the user's computer system or the service provider's software responsible for the graphical or other interface by which the user interacts with the system. In any event, a user interface is clearly inherent in these systems.

[Certain dependent claim rejections have been redacted here]

These claims have been cancelled.

All dependent claims not specifically discussed above are patentable for at least the reasons discussed for the reasons discussed above with respect to the claims on which they depend.

Applicant asks that all claims now be allowed.

Please apply any additional fees or credits to deposit account 06-1050, reference 03058/004001.

Respectfully submitted,

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